

## Message Text

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ACTION EUR-12

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POUCHED ALL CONSULATES IN CANADA

E.O. 11652: N/A

TAGS: PBOR, SENV, CA

SUBJ: CABIN CREEK/FLATHEAD MEETING

REF: OTTAWA 980

SUMMARY: MEETING MARCH 9 BETWEEN CANADIAN FEDERAL AND BC PROVINCIAL OFFICIALS WITH US FEDERAL AND MONTANA STATE OFFICIALS SUCCESSFUL FROM US POINT OF VIEW IN ESTABLISHING WILLINGNESS AND MECHANISM FOR ONGOING CONSULTATION WITH CANADIANS CONCERNING COAL MINING DEVELOPMENT IN BC WHICH COULD HAVE ENVIRONMENTAL IMPACT ON MONTANA'S FLATHEAD RIVER DRAINAGE AREA. END SUMMARY

1. MARCH 9 BILATERAL MEETING CONDUCTED ON POSITIVE COOPERATIVE BASIS, CANADIAN OFFICIALS EMPHASIZING THAT CABIN CREEK PROJECT STILL IN EARLY STAGES OF PLANNING AND DEVELOPMENT. NO DECISION HAS YET BEEN MADE BY BC GOVERNMENT ON RIO ALGOM MINING PROPOSAL. CANADA STRESSED THAT CABIN CREEK PROJECT WILL BE AMONG THE FIRST TO BE CONSIDERED UNDER BC'S RECENTLY APPROVED LIMITED OFFICIAL USE

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GUIDELINES FOR COAL DEVELOPMENT. THESE GUIDELINES PRO-

VIDE FOR A COMPREHENSIVE AND WELL-STRUCTURED STAGED PLANNING PROCESS PRIOR TO DECISION-MAKING. COMPANY IS TO REPORT ON ITS COMPLIANCE WITH GUIDELINES CONDITIONS ESTABLISHED FOR EACH STAGE, WITH COMPANY REPORT GOING FOR REVIEW TO BC CABINET COMMITTEE PRESIDED OVER BY ENVIRONMENT MINISTER. STAGE 1 SCHEDULED FOR CONCLUSION APRIL 1, 1976, COMPANY'S FEASIBILITY REPORT DUE JULY 1, 1976, STAGE 2 REPORT SCHEDULED FOR NOVEMBER 1976, STAGE 3 BY MAY 1977, WITH CONSTRUCTION TO START IN SEPTEMBER 1977 AND PRODUCTION IN JANUARY 1980. CANADIAN OFFICIALS EMPHASIZED THAT FOREGOING SCHEDULE IS THAT PROPOSED BY COMPANY BUT MAY WELL BE ALTERED. APPROVAL IN PRINCIPLE TO PROJECT OCCURS FOLLOWING STAGE 2 COMPLETION, BUT CANADIAN OFFICIALS INSISTED THAT THIS DOES NOT CONSTITUTE PROJECT APPROVAL, AND AGREEMENT IN PRINCIPLE WILL NOT MAKE BC GOVERNMENT LIABLE FOR LITIGATION IN EVENT OF SUBSEQUENT CANCELLATION OF PROJECT.

2. US DELEGATION HEAD JANOWSKI MADE INITIAL PRESENTATION OF US VIEWS ALONG LINES OF US DIPLOMATIC NOTES ON SUBJECT, WHICH WAS FOLLOWED BY PRESENTATIONS BY MONTANA LT. GOVERNOR AND BY REPRESENTATIVES OF THE US FEDERAL AGENCIES PRESENT. US DELEGATION STRESSED IMPORTANCE OF CONTINUOUS CONSULTATIONS THROUGHOUT THE PLANNING PROCESS AND SUCCESSFULLY ADDED TO CANADIAN AGENDA ITEMS CONCERNING CONSULTATIVE MECHANISMS AND POSSIBLE ARRANGEMENTS FOR PRESERVATION OF ENVIRONMENTAL QUALITY OF THE UNIQUE AREA UNDER CONSIDERATION. US DELEGATION STATED THAT IN VIEW OF EXPRESSED US CONCERNS, NO APPROVAL SHOULD BE GIVEN BY CANADIAN AUTHORITIES TO RIO ALGOM TO BEGIN PRODUCTION STAGE UNTIL FULL AND ADEQUATE CONSULTATIONS HAVE BEEN HELD. CANADIAN SIDE AGREED TO PROVIDE US PROMPTLY WITH COMPANY REPORTS AT EACH STAGE OF PROCESS AND INDICATED GENERAL WILLINGNESS TO CONSULT AND SPECIFICALLY CONSULTATIONS PRIOR TO CABINET COMMITTEE REVIEW OF EACH STAGE'S REPORT. CANADIAN FEDERAL REPRESENTATIVES INDICATED THAT REGULAR CONSULTATIONS WILL TAKE PLACE BETWEEN PROVINCE AND GOC TO INSURE COMPLIANCE WITH CANADA'S TREATY OBLIGATIONS. BC OFFICIALS EMPHASIZED THAT GUIDELINES REQUIREMENTS CONCERNING ENVIRONMENTAL FACTORS ARE NOT LIMITED OFFICIAL USE

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LIMITED TO IMMEDIATE MINE VICINITY BUT WOULD APPLY TRANS-BORDER.

3. AGREEMENT REACHED TO HOLD SECOND CONSULTATION POSSIBLY FOLLOWING RELEASE OF PHASE 1 REPORT BY BC GOVERNMENT IN APRIL. BC OFFICIAL NOTED THAT IT MIGHT BE MORE USEFUL TO SCHEDULE GOC OFFICIALS TO PROVIDE FOR ADEQUATE CONSULTATIONS, INCLUDING US INPUTS INTO CANADIAN ASSESSMENT PROCESS.

US AGENCIES SHOULD TAKE NOTE THAT WHILE BC GUIDELINES  
ARE ADMINISTRATIVE RATHER THAN FORMAL LEGAL REQUIREMENTS,  
PECULARITIES OF CANADIAN PARLIAMENTARY SYSTEM, ESPECIALLY,  
IN CASE OF GOVERNMENT LIKE THAT IN BC WHICH HAS SUB-  
STANTIAL MAJORITY AND RIGID PARTY DISCIPLINE SYSTEM,  
GIVE SUCH GUIDELINES CONSIDERABLY GREATER FORCE THAN WOULD  
BE THE CASE IN THE US.  
ENDERS

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